

No.

8300071



THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Northrup King Co.

Whereas, THERE HAS BEEN PRESENTED TO THE
Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF *eighteen* YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (P.L. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WEeping ALKALIGRASS

'Fulfs'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this 30th day of December in the year of our Lord one thousand nine hundred and eighty-three.

Attest:

Kenneth H. Egan
Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

John R. Block
Secretary of Agriculture



23

1982



APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions on reverse)

No certificate for plant variety protection may be issued unless a completed application form has been received (5 U.S.C. 553).

1. NAME OF APPLICANT(S) Northrup King Co.		2. TEMPORARY DESIGNATION N3-70		3. VARIETY NAME Fults	
4. ADDRESS (Street and No. or R.F.D. No., City, State, and Zip Code) P.O. Box 959 Minneapolis, MN 55440		5. PHONE (Include area code) (612) 781-5305		FOR OFFICIAL USE ONLY PVPO NUMBER 8300071	
6. GENUS AND SPECIES NAME Puccinellia Distans (L.) Parl.		7. FAMILY NAME (Botanical) Gramineae		FILING DATE 2/25/83 TIME 10:00 <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.	
8. KIND NAME Weeping Alkaligrass		9. DATE OF DETERMINATION 1978		FEES RECEIVED AMOUNT FOR FILING \$ 1,000 DATE 2/25/83 AMOUNT FOR CERTIFICATE \$ 500.00 DATE 11/22/83	
10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Corporation					
11. IF INCORPORATED, GIVE STATE OF INCORPORATION Delaware				12. DATE OF INCORPORATION 1896	
13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS Robert W. Romig Northrup King Co. P.O. Box 959 Minneapolis, MN 55440					
14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED					
a. <input checked="" type="checkbox"/> Exhibit A, Origin and Breeding History of the Variety (See Section 52 of the Plant Variety Protection Act.)		c. <input checked="" type="checkbox"/> Exhibit C, Objective Description of the Variety (Request form from Plant Variety Protection Office.)			
b. <input checked="" type="checkbox"/> Exhibit B, Novelty Statement		d. <input checked="" type="checkbox"/> Exhibit D, Additional Description of the Variety			
15. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See Section 83(a) of the Plant Variety Protection Act.) <input type="checkbox"/> Yes (If "Yes," answer items 16 and 17 below) <input checked="" type="checkbox"/> No					
16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No		17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED? <input type="checkbox"/> Foundation <input type="checkbox"/> Registered <input type="checkbox"/> Certified			
18. DID THE APPLICANT(S) FILE FOR PROTECTION OF THE VARIETY IN THE U.S. OR OTHER COUNTRIES? <input type="checkbox"/> Yes (If "Yes," give names of countries and dates) <input checked="" type="checkbox"/> No					
19. HAVE RIGHTS BEEN GRANTED IN THE U.S. OR OTHER COUNTRIES? <input type="checkbox"/> Yes (If "Yes," give names of countries and dates) <input checked="" type="checkbox"/> No					
20. The applicant(s) declare(s) that a viable sample of basic seeds of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable. The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in Section 41, and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act. Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.					
SIGNATURE OF APPLICANT Robert W. Romig				DATE February 16, 1983	
SIGNATURE OF APPLICANT				DATE 1	

INSTRUCTIONS

General: Send an original copy of the application and exhibits, at least 2,500 viable seeds, and \$500 fee (\$250 filing fee and \$250 examination fee) to U.S. Department of Agriculture, Agricultural Marketing Service, Livestock, Meat, Grain and Seed Division, Plant Variety Protection Office, National Agricultural Library Building, Beltsville, Maryland 20705. (See section 180.175 of the Regulations and Rules of Practice.) Retain one copy for your files. All items on the face of the form are self-explanatory unless noted below.

Item

- 9 Give the date the applicant determined that he had a new variety based on (1) the definition in section 41(a) of the Act and (2) the date a decision was made to increase the seed.
- 14a Give: (1) the genealogy, including public and commercial varieties, lines, or clones used, and the breeding method; (2) the details of subsequent stages of selection and multiplication; (3) the type and frequency of variants during reproduction and multiplication and state how these variants may be identified and (4) evidence of uniformity and stability.
- 14b Give a summary statement of the variety's novelty. Clearly state how this novel variety may be distinguished from all other varieties in the same crop. If the new variety most closely resembles one or a group of related varieties: (1) identify these varieties and state all differences objectively; (2) attach statistical data for characters expressed numerically and demonstrate that these differences are significant; and (3) submit, if helpful, seed and plant specimens or photographs of seed and plant comparisons clearly indicating novelty.
- 14c Fill in the Exhibit C, Objective Description form, for all characteristics for which you have adequate data.
- 14d Describe any additional characteristics that are not described, or whose description cannot be accurately conveyed in Exhibit C. Use comparative varieties as is necessary to reveal more accurately the description of characteristics that are difficult to describe, such as plant habit, plant color, disease resistance, etc.
- 15 If "Yes" is specified (*seed of this variety be sold by variety name only as a class of certified seed*) the applicant may NOT reverse his affirmative decision after the variety has either been sold and so labeled, his decision published, or the certificate has been issued. However, if the applicant specified "No," he may change his choice. (See section 180.16 of the Regulations and Rules of Practice.)
- 16 See section 42 of the Plant Variety Protection Act and section 180.7 of the Regulations and Rules of Practice.



EXHIBIT A
Amended 9/13/83

Origin and Breeding History of Fults Alkalaigrass

The original stand of Puccinellia distans (L.) Parl. from which the variety Fults originated was discovered by Mr. Stan Metsker, then superintendent at the Boulder Country Club, Boulder, Colorado. In 1964, Professor Jesse Fults, Colorado State University, identified the grass and removed an unspecified number of plants to Colorado State University, Fort Collins, Colorado. The variety "Fults" was subsequently developed by two cycles of mass selection within this population of plants. Testing of this population was continued by Dr. Jackie Butler when he moved to Colorado State University from the University of Illinois in 1968.

We received seed from Dr. Butler at Colorado State University in February 1970. We planted a portion of this seed in Twin Falls, Idaho where we conducted another cycle of mass selection by eliminating a few earlier and later plants. We subsequently increased seed from this planting at Othello, Washington in 1975 which has been the basis for the variety. Production and marketing rights have been granted to Northrup King Co. by Colorado State University (see attached assignment).

The variety "Fults" is uniform and stable. No unusual or characteristic variations have been observed during the final stages of production.

EXHIBIT A

Amended 11/1/83

Origin and Breeding History of Fults Alkaligrass

The original stand of *Stipa sp.* (L.) from which the variety Fults was maintained was discovered by Mr. Stan Muever, then superintendent at the Boulder County Club, Boulder, Colorado. In 1944, Professor Jesse Fults, Colorado State University, identified the grass and removed an unspecified number of plants. Fults State University, Fort Collins, Colorado, the variety "Fults" was subsequently developed by two cycles of mass selection within this population of plants. Testing of this population was continued by Dr. Jack Butler when he moved to Colorado State University from the University of Illinois in 1953.

We received seed from Dr. Butler at Colorado State University in February 1970. We obtained a portion of this seed in Twin Falls, Idaho where we conducted another cycle of mass selection by eliminating a few earlier and later plants. The subsequently increased seed from this planting at Ouchter, Washington in 1976 which has been the basis for the variety. Production and marketing rights have been granted to Worthing King Co. by Colorado State University (see attached assignment).

The variety "Fults" is uniform and stable. No unusual or characteristic variations have been observed during the final stages of production.



EXHIBIT B
Amended 9/13/83

Novelty Statement for Fults Alkalagrass

There are no previously described varieties of Puccinellia distans. The variety "Fults," however, most closely resembles the Northrup King line K2-103 which we obtained from Dr. Jackie Butler when he was at the University of Illinois. K2-103 is not a released variety. It was found growing alongside an Illinois highway. Fults differs from K2-103 in height. Fults' height is 38.5 cm or 9.5 cm taller than K2-103. Fults' growth habit is also more upright than K2-103. On a scale of 9 as erect and 1 as prostrate, Fults rated 3.7 and 4.4 at early and full heading, while K2-103 was rated 2.6 and 3.1 respectively.

Fults' leaf sheaves are slightly redder than K2-103 on a scale of 1 (green) to 9 (red). K2-103 was rated as 2.1 (green) followed by Fults with a rating of 4.1.

The 1,000 seed weight of Fults was 0.2235 grams, K2-103 followed at 0.2024 grams. The seeds of Fults are narrower (1.53 mm) than K2-103 (1.66 mm). The seed length/ width ratio is greater for Fults with 3.48 compared to 3.19 for K2-103.

These differences are statistically significant at the 5% level.

EXHIBIT B
Amended 5/13/83

Revised Statement for Fruits Akshatras

There are no previously described varieties of Eucalyptus distant. The variety "Fruit", however, most closely resembles the Northern King (K2-103) which was obtained from Dr. Jackie Butler when he was at the University of Illinois. It is not a released variety. It was found growing alongside an Illinois highway. Fruits from K2-103 is 88.5 cm or 9.8 cm taller than K2-103. Fruits' growth habit is also more upright than K2-103. On a scale of 1 as erect and 1 as prostrate, Fruits rated 3.7 and 4.4 at early and full bearing, while K2-103 was rated 2.8 and 3.1 respectively.

Fruits' leaf shades are also 11 redder than K2-103 on a scale of 1 (green) to 9 (red). K2-103 was rated 3.1 (green) followed by Fruits with a rating of 4.1.

The 1,000 seed weight of Fruits was 8.2285 grams, K2-103 followed at 7.9034 grams. The seeds of Fruits are narrower (1.53 mm) than K2-103 (1.68 mm). The seed length/width ratio is greater for Fruits with 8.48 compared to 7.19 for K2-103.

These differences are statistically significant at the 5% level.



U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE
GRAIN DIVISION
HYATTSVILLE, MARYLAND 20782
OBJECTIVE DESCRIPTION OF VARIETY
~~FESCUE~~
(Festuca spp.)**WEeping**
ALKALIGRASS
Puccinellia DISTANS

NAME OF APPLICANT(S)

Northrup King Co.

VARIETY NAME OR TEMPORARY DESIGNATION

Fults

ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code)

P.O. Box 959

Minneapolis, MN 55440

FOR OFFICIAL USE ONLY

PVPO NUMBER

8300071

Place the appropriate number that describes the varietal character of this variety in the boxes below. Place a zero in first box (e.g. 089 or 09) when number is either 99 or less or 9 or less. Characteristics described, including numerical measurements, should represent those that are typical for the variety. Ranges may be given also. Measured data should be for SPACED PLANTS. Royal Horticultural Society or any recognized color fan may be used to determine plant colors; designate system used: _____ . Describe location of test area _____ .

All questions need not be answered, however, completeness should be striven for in order to establish the most adequate Variety Identification.

1. SPECIES: (With comparison varieties for use below - use varieties within species of application variety)71 = F. ARUNDINACEA (TALL)

11 = ALTA 12 = FAWN

13 = GOAR

14 = KENTUCKY 31

2 = F. PRATENSIS (MEADOW)

21 = ENSIGN

22 = TRADER

3 = F. RUBRA SSP. COMMUTATA (CHEWINGS) 31 = CASCADE 32 = HIGHLIGHT 33 = JAMESTOWN4 = F. RUBRA SSP. RUBRA (RED) 41 = BOREAL 42 = PENNLAWN 43 = DAWSON5 = F. OVINA VAR. OVINA (SHEEP)6 = F. LONGIFOLIA (HARD) 61 = DURAR 62 = BILJART (C-26) 63 = SCALDIS7 = OTHER (SPECIFY) Puccinellia distans (L.) Parl. 71=K2-103 (Illinois common)Refer to Exhibit C, Appendix A, item 1 (attached).**2. CYTOLOGY**42

2n CHROMOSOME NUMBER

3. ADAPTATION: (0 = Not Tested; 1 = Not Adapted; 2 = Adapted)2

NORTHEAST

0

SOUTHEAST

2

NORTH CENTRAL

2

PACIFIC N.W.

2OTHER
(SPECIFY)Inter-
mountain**4. MATURITY: (50% Headed) Give Test Area** Eden Prairie, Minnesota

DAYS EARLIER THAN

MATURITY SAME AS

81

COMPARISON VARIETY

DAYS LATER THAN

5. PLANT HEIGHT: (At maturity to top of panicle)385

mm HEIGHT

321

mm SHORTER THAN

91

HEIGHT SAME AS

COMPARISON VARIETY

94

mm TALLER THAN

71**6. GROWTH HABIT (Mature)**2

1 = ERECT (KENTUCKY 31)

2 = SEMI-ERECT (HIGHLIGHT)

3 = PROSTRATE

7. RHIZOMES

mm LENGTH

mm WIDTH

0

0 = ABSENT

1 = WEAKLY CREEPING (DAWSON)

2 = STRONGLY CREEPING (BOREAL)

3 = OTHER

8. LEAF BLADE:5

COLOR:

1 = LIGHT GREEN (GOLFROOD)

2 = MODERATELY LIGHT GREEN (HIGHLIGHT)

3 = MEDIUM GREEN (JAMESTOWN,
KENTUCKY 31)

4 = DARK GREEN (CASCADE)

5 = BLUEGREEN

6 = GRAYGREEN

7 = OTHER (SPECIFY)

16. ADDITIONAL DESCRIPTION: (Use additional sheets as required)

Describe all characteristics that cannot be adequately described in the form above. Comparative varieties should be used as may be appropriate, such as for disease. Append all comparative trial and evaluation data, including measured characters, environmental, and disease tests.

Refer to Exhibit D



EXHIBIT C

APPENDIX A

Item 1 = Species:

- 7 = *Puccinellia distans* (L.) Parl.
- 8 = *Puccinellia lemmoni* (Vasey) Scribn.
- 9 = *Puccinellia airoides* (Nutt.) Wats. and Coult.
- 71 = K2-103 (noncommercial Illinois common).
- 81 = K4-180 (commercial Oregon grown).
- 91 = K2-37 (noncommercial Montana common).





EXHIBIT D
ADDITIONAL DESCRIPTION OF VARIETY

	F-VALUE	LSD (0.05)	P. DISTANS FULTS	P. DISTANS K2-103	P. AIROIDES K2-37	P. LEMMONI K4-180
Natural occurring height (cm)	108.52	5.30	38.47	29.03	70.57	29.03
Culm length (cm)	89.64	4.78	51.20	43.24	79.93	50.43
Crown diameter (cm)	23.69	1.03	10.16	11.23	7.07	10.07
Flag leaf length (cm)	92.47	0.99	5.32	4.15	11.77	5.31
Flag leaf width (mm)	9.996	0.445	3.296	3.630	4.328	3.269
Flag leaf ligule length (mm)	134.94	0.196	1.893	1.696	3.121	1.250
Panicle length (cm)	81.60	1.67	17.17	13.76	26.50	18.30
Number of panicles	58.31	27.99	130.47	210.20	51.63	117.75
Number of florets per spikelet	16.88	0.43	4.84	4.59	5.97	4.80
Spikelet length (mm)	34.42	0.61	4.75	4.50	7.25	5.40
Spikelet width (mm)	7.59	0.13	0.97	0.89	1.07	1.18
Winter injury (1-no damage, 9-dead)	0.75	NS	3.37	3.08	3.66	2.90
Growth habit on early heading stage on 5/26/79 (1-prostrate, 9-erect)	92.940	0.395	3.743	2.579	5.568	1.768
Growth habit when fully headed on 6/11/79 (1-prostrate, 9-erect)	98.100	0.319	4.429	3.149	5.595	2.623
Sheath anthocyanin at anthesis (1-green, 9-red)	101.990	0.337	4.114	2.145	1.757	5.029
Leaf blade anthocyanin at anthesis (1-green, 9-red)	137.070	0.236	1.171	1.105	1.000	3.145
Panicle anthocyanin at anthesis (1-green, 9-red)	98.220	0.303	3.571	4.127	1.027	3.435
Relative maturity on 6/11/79 (1-pollinating, 9-vegetative)	3.717	0.365	1.000	1.500	1.378	1.000
Thousand seed weight (gm)	533.2500	0.0200	0.2235	0.2024	0.4158	0.1823
Seed length (mm)	123.05	0.28	5.32	5.27	7.41	5.00
Seed width (mm)	15.57	0.10	1.53	1.66	1.87	1.63
Seed length/width ratio	35.54	0.19	3.48	3.19	3.99	3.08

The above data were collected from space planted plants in the first seed production year growing at Eden Prairie, Minnesota, in 1979.

8300071



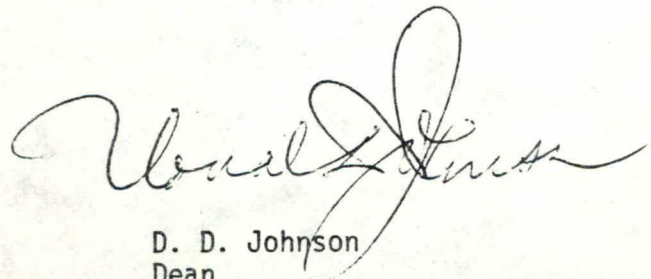
College of Agricultural Sciences
Office of the Dean
303/491-6274

Colorado State University
Fort Collins, Colorado
80523

FULTS PUCCINELLIA DISTANS ASSIGNMENT

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Colorado State University does hereby assign, transfer, and convey to Northrup King Co., a Delaware corporation, its entire right, title, and interest in and to the Fults variety of Puccinellia distans, including (without limiting the generality of the foregoing) the right to apply for, obtain, and own a Certificate of Plant Variety Protection for the Fults variety as successor in interest to Colorado State University, which is the developer of the Fults variety. In return for this assignment, the Northrup King Co. agrees to provide support to the Colorado State University turfgrass research program through a Grant-In-Aid program.

IN WITNESS WHEREOF,

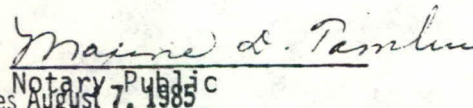


D. D. Johnson
Dean
College of Agricultural Sciences

Dated: 5/11/82

State of Colorado)
County of Larimer)ss

Witness my hand and official seal at Fort Collins, Colorado 80523
this 11 day of MAY 1982.


Notary Public

My Commission Expires My Commission Expires August 7, 1985

RECEIVED

FEB 25 1983



ASSIGNMENT OF PLANT VARIETY PROTECTION CERTIFICATES
AS COLLATERAL SECURITY

THIS ASSIGNMENT OF PLANT VARIETY PROTECTION CERTIFICATES AS COLLATERAL SECURITY ("Assignment") is dated 1995, by and between NK LAWN & GARDEN CO., a Delaware corporation ("BORROWER"), with its mailing address at 7500 Olson Memorial Highway, Valley, Minnesota 55427, and CONGRESS FINANCIAL CORPORATION, a Wisconsin corporation ("Lender"), with its mailing address at 100 South Wacker Drive, Suite 1900, Chicago, Illinois 60606.

DO NOT
COPY

RECITALS

The BORROWER has applied to the Lender for certain credit accommodations. The Lender has agreed to extend the credit accommodations to the Borrower, under the terms and conditions set forth in a Loan and Security Agreement of even date herewith, ("Agreement") by and between the Borrower and the Lender, and various other documents, instruments and agreements executed by or on behalf of the Borrower in connection with the above-described credit accommodations (together with the Agreement, collectively, "Loan Documents"). Capitalized terms used herein without definition shall have the meanings ascribed to such terms in the Agreement.

In order to induce the Lender to enter into the above-described credit accommodations, the Borrower, pursuant to the terms and conditions of the Agreement, has agreed to assign to the Lender certain Plant Variety Protection Certificates, and has granted to the Lender a lien on and security interest in all of the Borrower's assets, including but not limited to, those assets relating to products manufactured pursuant to the Plant Variety Protection Certificates, whereby the Lender, upon the occurrence of an Event Of Default (as such term is defined in the Agreement), shall have the right to foreclose on the Plant Variety Protection Certificates and other assets of the Borrower, in order that the owner of the Plant Variety Protection Certificates may continue the manufacturing of products manufactured under the Plant Variety Protection Certificates.

NOW, THEREFORE, FOR GOOD AND VALUABLE CONSIDERATION, the receipt and adequacy of which are hereby acknowledged, the Borrower agrees with the Lender as follows:

Section 1. Assignment. The Borrower, as additional security for the complete and timely payment, performance and satisfaction of all of the Obligations (as defined in the Agreement), hereby assigns, transfers, sets over and conveys unto the Lender, its successors and assigns, upon the following terms and conditions, all of its right, title and interest existing in, under or by virtue of those certain Plant Variety Protection Certificates registered with the Department of Agriculture, Plant Variety Protection Office and described on Exhibit A attached hereto and made a part hereof and all claims for damages by reason of past infringement of the assigned Plant Variety Protection Certificates with the right to sue for and collect the same (collectively, "Certificates") and all license rights in the Certificates.

FULL DOCUMENTATION IN ASSIGNMENTS
DRAWER

RELEASE OF ASSIGNMENT OF
PLANT VARIETY PROTECTION CERTIFICATES
AS COLLATERAL SECURITY

WHEREAS, pursuant to that certain Assignment of Plant Variety Protection Certificates as Collateral Security dated as of March 1, 1993 and filed with the United States Department of Agriculture Plant Variety Protection office in the records listed on Schedule A attached hereto (the "Security Document"), NK Lawn & Garden Co., a Delaware corporation ("Debtor"), granted to StanChart Business Credit, Inc. (now known as Lasalle Business Credit, Inc.), a Delaware corporation (the "Secured Party"), a security interest in and to all of the right, title and interest in, under and by virtue of certain plant variety protection certificates owned by the Debtor, as set forth in Schedule B hereto (the "Collateral").

WHEREAS, the Secured Party no longer claims a security or any other interest under the Security Document.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Secured Party hereby terminates the Security Document and reassigns, releases and discharges to Debtor, without representation, warranty or recourse (express or implied), all of Secured Party's right, title and interest (including, without limitation, its security interest) in and to the Collateral.

ASSIGNMENT OF PLANT VARIETY PROTECTION CERTIFICATES
AS COLLATERAL SECURITY

THIS ASSIGNMENT OF PLANT VARIETY PROTECTION CERTIFICATES AS COLLATERAL SECURITY ("ASSIGNMENT") is dated as of March 1, 1993, by and between NK LAWN & GARDEN CO., a Delaware corporation ("BORROWER"), with its mailing address at 7500 Olson Memorial Highway, Golden Valley, Minnesota 55427, and STANCHART BUSINESS CREDIT, INC., a Delaware corporation ("LENDER"), with its mailing address at 120 East Baltimore Street, Suite 1802, Baltimore, Maryland 21202.

RECITALS

The BORROWER has applied to the LENDER for certain credit accommodations. The LENDER has agreed to extend the credit accommodations to the BORROWER, under the terms and conditions set forth in a Loan And Security Agreement executed on March 1, 1993, ("AGREEMENT") by and between the BORROWER and the LENDER, and various other documents, instruments and agreements executed by or on behalf of the BORROWER in connection with the above-described credit accommodations (together with the AGREEMENT, collectively, "LOAN DOCUMENTS").

In order to induce the LENDER to enter into the above-described credit accommodations, the BORROWER, pursuant to the terms and conditions of the AGREEMENT, has agreed to assign to the LENDER certain Plant Variety Protection Certificates, and has granted to the LENDER a lien on and security interest in all of the BORROWER'S assets, including but not limited to those assets

EXHIBIT A

<u>NAME OF VARIETY</u>	<u>PLANT VARIETY PROTECTION CERTIFICATE/ APPLICATION NUMBER</u>	<u>APPLICATION/ ISSUE DATE</u>	<u>NAME OF OWNER</u>
Kentucky Bluegrass Aspen	8600151	04-30-87	*
Kentucky Bluegrass Trenton	8600156	04-30-87	*
Puccinellia Distans Weeping Alkaligrass Fults	8300071	12-30-83	*
Perennial Ryegrass Delray	8200043	04-26-85	*
Perennial Ryegrass Goalie	8200044	01-31-86	*
Chewings Fescue Dover	9100133	03-11-91	*
Fine Fescue Dover	9100133	03-11-91	*

* NK Lawn & Garden Co.

EXHIBIT B

The following were licensed to Jacklin Seed Company by agreement of March 9, 1992:

<u>NAME OF VARIETY</u>	<u>PLANT VARIETY PROTECTION CERTIFICATE/ APPLICATION NUMBER</u>
Kentucky Bluegrass Aspen	8600151
Kentucky Bluegrass Trenton	8600156
Puccinellia Distans	8300071
Weeping Alkaligrass Fults	
Perennial Ryegrass Delray	8200043
Perennial Ryegrass Goalie	8200044
Fine Fescue Dover	9100133

AGREEMENT

STATE OF MINNESOTA)
) ss.:
COUNTY OF HENNEPIN)

WHEREAS, NORTHRUP KING CO., a corporation duly organized and validly existing under the laws of the State of Delaware, whose address is 7500 Olson Memorial Highway, Golden Valley, Minnesota 55427, hereinafter called NORTHRUP, has rights to certain proprietary grass turf seed varieties set forth in Exhibit A attached hereto (the "Turf Seed Varieties") and made an integral part hereof; and

WHEREAS, NK LAWN & GARDEN CO., a corporation duly organized and validly existing under the laws of the State of Delaware, whose address is 7500 Olson Memorial Highway, Golden Valley, Minnesota 55427, hereinafter called NK LAWN, is desirous of acquiring all of Northrup's rights to said Turf Seed Varieties;

I. ASSIGNMENT

NOW, THEREFORE, be it known that for and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, said NORTHRUP does hereby assign, transfer and convey to said NK LAWN all rights, title and interest in and to the said Turf Seed Varieties set forth in Exhibit A attached hereto, including (without limiting the generality of the foregoing) the right to apply for, obtain, and own, as successor in interest to NORTHRUP,

a Certificate of Plant Variety Protection for each Turf Seed Variety set forth in Exhibit B.

II. SUCCESSORS AND ASSIGNS

The obligations of NORTHRUP under this Agreement shall be binding on its successors and assigns and shall inure to the benefit of any successors and assigns of NK LAWN.

III. GOVERNING LAW

This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

Dated: January 29, 1993

NORTHRUP KING CO.



Name: Konrad P. Wirz
Title: Vice President

NK LAWN & GARDEN CO.

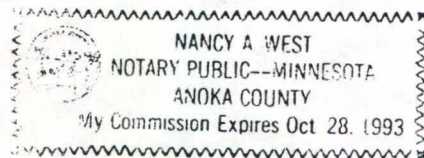


Name: Leroy J. Johnson
Title: General Manager & CEO

STATE OF MINNESOTA)
) ss.:
 COUNTY OF HENNEPIN)

On this 29th day of January 1993, before me personally came Konrad P. Wirz, to me known, who being by me duly sworn, does depose and say that he resides at Minneapolis,
Minnesota; that he is Vice President of NORTHRUP KING CO. (a Delaware corporation), the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to said document is such corporate seal; that it was affixed by order of the Board of Directors of said corporation; and that he signed his name by like order.

Nancy A. West
 Notary Public



STATE OF MINNESOTA)
) SS.:
 COUNTY OF HENNEPIN)

On this 29th day of January 1993, before me personally came LeRoy J. Johnson, to me known, who being by me duly sworn, does depose and say that he resides at Minneapolis,
Minnesota; that he is General Manager of NK Lawn &
& CEO
 Garden Co. (a Delaware corporation), the corporation described in and which executed the above instrument; that he knows the seal of the said corporation; that the seal affixed to said document is such corporate seal; that it was affixed by order of the Board of Directors of said corporation; and that he signed his name by like order.

Nancy A. West
 Notary Public

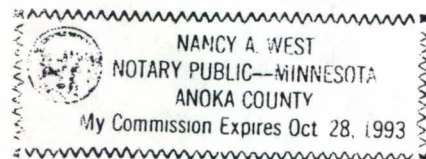


EXHIBIT A

TURF SEED VARIETIES

<u>Turf Seed Variety</u>	<u>Northrup's Ownership Interest</u>
1. Kentucky Bluegrass Aspen	PVP Certificate (Certificate #8600151 issued April 30, 1987) owned by Northrup.
2. Kentucky Bluegrass Trenton	PVP Certificate (Certificate #8600156 issued April 30, 1987) owned by Northrup.
3. Puccinellia distans Weeping Akalaigrass Fults	PVP Certificate (Certificate #8300071 issued December 30, 1983) owned by Northrup.
4. Perennial Ryegrass Delray	PVP Certificate (Certificate #8200043 issued April 26, 1985) owned by Northrup.
5. Perennial Ryegrass Goalie	PVP Certificate (Certificate #8200044 issued January 31, 1986) owned by Northrup.
6. Perennial Ryegrass Dandy	Licensed to Northrup from R.H. Bailey Seed, Inc. on September 7, 1989.
7. Perennial Ryegrass Target	Licensed to Northrup from Triad Seed Co. on August 11, 1989.
8. Kentucky Bluegrass Kelly	Licensed to Northrup from O.M. Scott & Sons Company on August 2, 1988.
9. Tall Fescue Amigo (5 ⁵ BFH)	Licensed to Northrup from Pure-Seed Testing, Inc. on February 18, 1989. 28
10. Tall Fescue Arriba (5DM)	Licensed to Northrup from Pure-Seed Testing, Inc. on September 25, 1989.
11. Tall Fescue Arid	Licensed to Northrup from Jacklin Seed Company on October 25, 1988.
12. Perennial Ryegrass Pennfine	Licensed to Northrup from Seed Production and Introduction Corporation.

EXHIBIT B

PLANT VARIETY PROTECTION CERTIFICATES

Turf Seed Variety	Plant Variety Protection Certificate No.	Issue Date
Kentucky Bluegrass Aspen	8600151	April 30, 1987
Kentucky Bluegrass Trenton	8600156	April 30, 1987
Puccinellia Distans Weeping Alkaligrass Fults	8300071	December 30, 1983
Perennial Ryegrass Delray	8200043	April 26, 1985
Perennial Ryegrass Goalie	8200044	January 31, 1986

